

ENABLING LEGISLATION* FOR VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Sections 2.2-2005 through 2.2-2032 of Chapter 20.1
of Title 2.2 of the Code of Virginia

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General Provisions

§ 2.2-2005. Creation of Agency; appointment of Chief Information Officer.

A. There is hereby created the Virginia Information Technologies Agency (VITA), which shall serve as the agency responsible for administration and enforcement of the provisions of this Chapter and the rules and policies of the Board.

B. The Board shall appoint a Chief Information Officer (the CIO) as the chief administrative officer of the Board to oversee the operation of VITA. The CIO shall be employed under special contract for a term of five years and shall, under the direction and control of the Board, exercise the powers and perform the duties conferred or imposed upon him by law and perform such other duties as may be required by the Board.

§ 2.2-2006. Definitions.

As used in this chapter:

"Board" means the Information Technology Investment Board created in § 2.2-2457.

"Communications services" includes telecommunications services, automated data processing services, and management information systems that serve the needs of state agencies and institutions.

"Information technology" means telecommunications, automated data processing, databases, the Internet, management information systems, and related information, equipment, goods, and services. It is in the interest of the Commonwealth that its public institutions of higher education in Virginia be in the forefront of developments in technology. Therefore, the provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"Major information technology project" means any state agency information technology project that (i) is mission-critical, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1 million.

"Noncommercial telecommunications entity" means any public broadcasting station as defined in § 2.2-2427.

"Public telecommunications entity" means any public broadcasting station as defined in § 2.2-2427.

"Public telecommunications facilities" means all apparatus, equipment and material necessary for or associated in any way with public broadcasting stations or public broadcasting services as those terms are defined in § 2.2-2427, including the buildings and structures necessary to house such apparatus, equipment and material, and the necessary land for the purpose of providing public broadcasting services, but not telecommunications services.

"Public telecommunications services" means public broadcasting services as defined in § 2.2-2427.

"Secretary" means the Secretary of Technology.

"State agency" or "agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act.

"Telecommunications" means any origination, transmission, emission, or reception of signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

"Telecommunications facilities" means apparatus necessary or useful in the production, distribution, or interconnection of electronic communications for state agencies or institutions including the buildings and structures necessary to house such apparatus and the necessary land.

CIO

§ 2.2-2007. Powers of the CIO.

A. In addition to such other duties as the Board may assign, the CIO shall:

1. Monitor trends and advances in information technology; develop a comprehensive, statewide, four-year strategic plan for information technology to include specific projects that implement the plan; and plan for the acquisition, management, and use of information technology by state agencies. The statewide plan shall be updated annually and submitted to the Board for approval. In developing and updating the plan, the CIO shall consider the advice and recommendations of the Council on Technology Services created pursuant to § 2.2-2651.

2. Direct the formulation and promulgation of policies, guidelines, standards, and specifications for the purchase, development, and maintenance of information technology for state agencies, including, but not limited to, those (i) required to support state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies, (ii) concerned with the development of electronic transactions including the use of

electronic signatures as provided in § 59.1-496, and (iii) necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

3. Direct the development of policies and procedures, in consultation with the Department of Planning and Budget, that are integrated into the Commonwealth's strategic planning and performance budgeting processes, and that state agencies and public institutions of higher education shall follow in developing information technology plans and technology-related budget requests. Such policies and procedures shall require consideration of the contribution of current and proposed technology expenditures to the support of agency and institution priority functional activities, as well as current and future operating expenses, and shall be utilized by all state agencies and public institutions of higher education in preparing budget requests.

4. Review budget requests for information technology from state agencies and public institutions of higher education and recommend budget priorities to the Information Technology Investment Board. This review shall include, but not be limited to, all data processing or other related projects for amounts exceeding \$100,000 in which the agency or institution has entered into or plans to enter into a contract, agreement or other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or other assessments or revenues to pay for the project. For each project, the agency or institution shall provide the CIO (i) a summary of the terms, (ii) the anticipated duration, and (iii) the cost or charges to any user, whether a state agency or institution or other party not directly a party to the project arrangements. The description shall also include any terms or conditions that bind the Commonwealth or restrict the Commonwealth's operations and the methods of procurement employed to reach such terms.

5. Direct the development of policies and procedures for the effective management of information technology investments throughout their entire life cycles, including, but not limited to, project definition, procurement, development, implementation, operation, performance evaluation, and enhancement or retirement. Such policies and procedures shall include, at a minimum, the periodic review by the CIO of agency and public institution of higher education information technology projects estimated to cost \$1 million or more or deemed to be mission-critical or of statewide application by the CIO.

6. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-2023.

7. Periodically evaluate the feasibility of outsourcing information technology resources and services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.

8. Report annually to the Governor and the Joint Commission on Technology and Science created pursuant to § 30-85 on the use and application of information technology by state agencies and public institutions of higher education to increase economic efficiency, citizen convenience, and public access to state government.

9. Direct the development of policies and procedures that require VITA to review information technology projects proposed by state agencies and institutions exceeding \$100,000, and recommend whether such projects be approved or disapproved. The CIO shall disapprove projects between \$100,000 and \$1 million that do not conform to the statewide information plan or to the individual plans of state agencies or institutions of higher education.

B. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance or implement information technology programs and projects. The CIO may issue a request for information to seek out potential private partners interested in providing programs or projects pursuant to an agreement under this subsection. The compensation for such services shall be computed with reference to and paid from the increased revenue or cost savings attributable to the successful implementation of the program or project for the period specified in the contract. The CIO shall be responsible for reviewing and approving the programs and projects and the terms of contracts for same under this subsection. The CIO shall determine annually the total amount of increased revenue or cost savings attributable to the successful implementation of a program or project under this subsection and such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023. The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms of contracts under this subsection. All moneys in excess of that required to be paid to private partners, as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall prepare an annual report to the Governor and General Assembly on all contracts under this subsection, describing each information technology program or project, its progress, revenue impact, and such other information as may be relevant.

§ 2.2-2008. Additional duties of the CIO relating to project management.

The CIO shall have the following duties relating to the management of information technology projects:

1. Develop an approval process for proposed major information technology projects by state agencies to ensure that all such projects conform to the

statewide information management plan and the information management plans of agencies and public institutions of higher education.

2. Establish a methodology for conceiving, planning, scheduling and providing appropriate oversight for information technology projects including a process for approving the planning, development and procurement of information technology projects. Such methodology shall include guidelines for the establishment of appropriate oversight for information technology projects.
3. Establish minimum qualifications and training standards for project managers.
4. Review and approve all procurement solicitations involving major information technology projects.
5. Direct the development of any statewide or multiagency enterprise project.
6. Develop and update a project management methodology to be used by agencies in the development of information technology.
7. Establish an information clearinghouse that identifies best practices and new developments and contains detailed information regarding the Commonwealth's previous experiences with the development of major information technology projects.

§ 2.2-2009. Additional duties of the CIO relating to security of government database.

A. To ensure the security of state government databases and data communications from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, procedures and standards for assessing security risks, determining the appropriate security measures and performing security audits of government databases and data communications. At a minimum, these policies, procedures and standards shall address the scope of security audits and which public bodies are authorized to conduct security audits. In developing and updating such policies, procedures and standards, the CIO shall consider, at a minimum, the advice and recommendations of the Council on Technology Services created pursuant to § 2.2-2651.

B. The CIO shall designate a government entity to oversee, plan and coordinate the conduct of periodic security audits of all executive branch agencies and institutions of higher education regarding the protection of government databases and data communications.

1. Security audits may include, but are not limited to, on-site audits as well as reviews of all written security procedures.

2. The designated entity may contract with a private firm or firms that specialize in conducting such audits subject to approval of the CIO.

C. All public bodies subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits.

D. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

VITA

§ 2.2-2010. Additional powers of VITA.

VITA shall have the following additional powers which, with the approval of the CIO, may be exercised by a division of VITA with respect to matters assigned to that division:

1. Prescribe regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter.
2. Plan and forecast future needs for information technology and conduct studies and surveys of organizational structures and best management practices of information technology systems and procedures.
3. Assist state agencies and public institutions of higher education in the development of information management plans and the preparation of budget requests for information technology that are consistent with the policies and procedures developed pursuant to § 2.2-2007.
4. Develop and adopt policies, standards, and guidelines for managing information technology by state agencies and institutions.
5. Develop and adopt policies, standards, and guidelines for the procurement of information technology and telecommunications goods and services of every description for state agencies.
6. Direct the establishment of statewide standards for the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth.
7. Direct the compilation and maintenance of an inventory of information technology, including, but not limited to, personnel, facilities, equipment, goods, and contracts for services.

8. Develop statewide technical and data standards for information technology and related systems to promote efficiency and uniformity.

9. Evaluate the needs of agencies in the Commonwealth with regard to (i) a consistent, reliable, and secure information technology infrastructure, (ii) existing capabilities with regard to building and supporting that infrastructure, and (iii) recommended approaches to ensure the future development, maintenance, and financing of an information technology infrastructure befitting the needs of state agencies and the service level requirements of its citizens.

10. Establish fee schedules that shall be collectible from users when general fund appropriations are not applicable to the services rendered.

§ 2.2-2011. Additional powers and duties relating to communications services and telecommunications facilities.

A. VITA shall have the following additional powers and duties concerning the planning, budgeting, acquiring, using, and disposing of communications goods and services:

1. Formulate specifications for telecommunications, automated data processing, and management information systems;

2. Analyze and approve all procurements of interconnective telecommunications facilities, telephones, automated data processing, and other communications equipment and goods;

3. Review and approve all agreements and contracts for communications services prior to execution between a state agency and another public or private agency;

4. Develop and administer a system to monitor and evaluate executed contracts and billing and collection systems; and

5. Exempt from review requirements, but not from the Commonwealth's competitive procurement process, any state agency that establishes, to the satisfaction of VITA, (i) its ability and willingness to administer efficiently and effectively the procurement of communications services or (ii) that it has been subjected to another review process coordinated through or approved by VITA.

B. VITA shall have the following powers and duties concerning the development, operation and management of communications services:

1. Manage and coordinate the various telecommunications facilities and communications services, centers, and operations used by the Commonwealth;

2. Acquire, lease, or construct such facilities and equipment as necessary to deliver comprehensive communications services, and to maintain such facilities and equipment owned or leased;

3. Provide technical assistance to state agencies in such areas as: (i) designing management information systems; (ii) performing systems development services, including design, application programming, and maintenance; (iii) conducting research and sponsoring demonstration projects pertaining to all facets of telecommunications and communications services; (iv) effecting economies in telephone systems and equipment; and (v) planning and forecasting for future needs in communications services; and

4. Develop and implement information, billing, and collections systems that will aid state agencies in forecasting their needs and managing their operations.

§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and regulations as may be prescribed by VITA.

The CIO shall disapprove any procurement that does not conform to the statewide information technology plan or to the individual plans of state agencies or public institutions of higher education.

B. All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

B1. The Department may establish contracts for the purchase of personal computers and related devices by public school teachers for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

C. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-

4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

D. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

§ 2.2-2013. Internal service funds; Automated Services Internal Service Fund; Computer Services Internal Service Fund; Telecommunication Services Internal Service Fund.

A. There are established the following internal service funds to be administered by VITA:

1. The Automated Services Internal Service Fund to be used to finance automated systems design, development and testing services and staff of VITA;
2. The Computer Services Internal Service Fund to be used to finance computer operations and staff of VITA; and
3. The Telecommunication Services Internal Service Fund to be used to finance telecommunications operations and staff of VITA.

B. There is established the Acquisition Services Special Fund to be administered by VITA and used to finance procurement and contracting activities and programs unallowable for federal fund reimbursement.

C. All users of services provided for in this chapter administered by VITA shall be assessed a surcharge, which shall be deposited in the appropriate fund. This charge shall be an amount sufficient to allow VITA to finance the operations and staff of the services offered.

D. Additional moneys necessary to establish these funds or provide for the administration of the activities of VITA may be advanced from the general account of the state treasury.

§ 2.2-2014. Submission of information technology plans by state agencies and public institutions of higher education; designation of technology resource.

A. All state agencies and public institutions of higher education shall prepare and submit information technology plans to the CIO for review and approval. All state agencies and public institutions of higher education shall maintain current information technology plans that have been approved by the CIO.

B. The head of each state agency shall designate an existing employee to be the agency's information technology resource who shall be responsible for compliance with the procedures, policies, and guidelines established by the CIO.

§ 2.2-2015. Authority of CIO to modify or suspend major information technology projects; project termination.

The CIO may direct the modification or suspension of any major information technology project that, as the result of a periodic review authorized by subdivision 5 of subsection A of § 2.2-2007, has not met the performance measures agreed to by the CIO and the sponsoring agency or public institution of higher education or if he otherwise deems such action appropriate and consistent with the terms of any affected contracts. The CIO may recommend to the Board the termination of such project. Nothing in this section shall be construed to supersede the responsibility of a board of visitors for the management and operation of a public institution of higher education.

The provisions of this section shall not apply to research projects, research initiatives or instructional programs at public institutions of higher education. However, technology investments in research projects, research initiatives or instructional programs at such institutions estimated to cost \$1 million or more of general fund appropriations may be reviewed as provided in subdivision 5 of subsection A of § 2.2-2007 if the projects are deemed mission-critical by the institution or of statewide application by the CIO. The CIO and the Secretary of Education, in consultation with public institutions of higher education, shall develop and provide to such institution criteria to be used in determining whether projects are mission-critical.

Division of Project Management

§ 2.2-2016. Division of Project Management established.

There is established within VITA a Division of Project Management (the Division). The Division shall exercise the powers and duties conferred in this article.

§ 2.2-2017. Powers and duties of the Division.

The Division shall have the power and duty to:

1. Implement the approval process for information technology projects developed in accordance with § 2.2-2008;
2. Assist the CIO in the development and implementation of a project management methodology to be used in the development of and implementation of information technology projects in accordance with this article;
3. Provide ongoing assistance and support to state agencies and public institutions of higher education in the development of information technology projects;
4. Establish a program providing cost-effective training to agency project managers;
5. Review information management and information technology plans submitted by agencies and public institutions of higher education and recommend to the CIO the approval of such plans and any amendments thereto;
6. Monitor the implementation of information management and information technology plans and periodically report its findings to the CIO;
7. Assign project management specialists to review and recommend information technology proposals based on criteria developed by the Division based on the (i) degree to which the project is consistent with the Commonwealth's overall strategic plan; (ii) technical feasibility of the project; (iii) benefits to the Commonwealth of the project, including customer service improvements; (iv) risks associated with the project; (v) continued funding requirements; and (vi) past performance by the agency on other projects; and
8. Provide oversight for state agency information technology projects.

§ 2.2-2018. Project planning approval.

A. Prior to proceeding with any major information technology project, an agency shall submit to the Division a project proposal, outlining the business need for the project, the proposed technology solution, if known, and an explanation of how the project would support the agency's business objectives and the Commonwealth's information technology plan. The project management specialist may require the submission of additional information if needed to adequately review any such proposal.

B. The project management specialist shall review the proposal and recommend its approval or rejection to the CIO.

§ 2.2-2019. Project development approval.

A. Upon approval of the CIO of the project plan, an agency shall submit to the Division a project development proposal containing (i) a detailed business case including a cost-benefit analysis; (ii) a business process analysis, if applicable; (iii) system requirements, if known; (iv) a proposed development plan and project management structure; and (v) a proposed resource or funding plan. The project management specialist may require the submission of additional information necessary to meet the criteria developed by the Division.

B. The project management specialist assigned to review the project development proposal shall recommend its approval or rejection to the CIO. If the CIO determines that the proposal be approved, he shall recommend such approval to the Board.

§ 2.2-2020. Procurement approval for major information technology projects.

Upon approval of the Board of the project development proposal involving a major information technology project that requires the procurement of goods or services, the agency shall submit a copy of any Invitation for Bid (IFB) or Request for Proposal (RFP) to the Division. The project management specialist shall review the IFB or RFP and recommend its approval or rejection to the CIO. The CIO shall have the final authority to approve the IFB or RFP prior to its release and shall approve the proposed contract for the award of the project.

§ 2.2-2021. Project oversight.

A. Whenever an agency has received approval from the Board to proceed with the development and acquisition of a major information technology project, an internal agency oversight committee shall be established by the CIO. The internal agency oversight committee shall provide ongoing oversight for the project and have the authority to approve or reject any changes in the project's scope, schedule, or budget. The CIO shall ensure that the project has in place adequate project management and oversight structures for addressing major issues that could affect the project's scope, schedule or budget and shall address issues that cannot be resolved by the internal agency oversight committee.

B. Whenever a statewide or multiagency project has received approval from the Board, the primary project oversight shall be conducted by a committee composed of representatives from agencies impacted by the project, which shall be established by the CIO.

Virginia Technology Infrastructure Fund

§ 2.2-2022. Definitions; purpose.

A. As used in this article, unless the context requires a different meaning:

"Costs" means the reasonable and customary charges for goods and services incurred or to be incurred in major information technology projects.

"Technology infrastructure" means telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services.

B. In order for the Commonwealth to take advantage of technological applications in providing services and solving problems of Virginia's citizens, there is a need to reinvest savings that accrue from increased usage of technology into new and emerging technologies that will provide for both greater efficiencies and better responsiveness. The purpose of this article is to create the Virginia Technology Infrastructure Fund (the Fund). The Fund shall make moneys available to state agencies and institutions of higher education for major information technology projects.

§ 2.2-2023. Virginia Technology Infrastructure Fund created; contributions.

A. The Virginia Technology Infrastructure Fund (the Fund) is created in the state treasury. The Fund is to be used to fund major information technology projects or to pay private partners as authorized in subsection B of § 2.2-2007.

B. The Fund shall consist of: (i) the transfer of general and nongeneral fund appropriations from state agencies which represent savings that accrue from reductions in the cost of information technology and communication services, (ii) the transfer of general and nongeneral fund appropriations from state agencies which represent savings from the implementation of information technology enterprise projects, (iii) funds identified pursuant to subsection B of § 2.2-2007, (iv) such general and nongeneral fund fees or surcharges as may be assessed to agencies for enterprise technology projects, (v) gifts, grants, or donations from public or private sources, and (vi) such other funds as may be appropriated by the General Assembly. Savings shall be as identified by the CIO through a methodology approved by the Board and the Secretary of Finance. The Auditor of Public Accounts shall certify the amount of any savings identified by the CIO. For public institutions of higher education, however, savings shall consist only of that portion of total savings that represent general funds. The State Comptroller is authorized to transfer cash consistent with appropriation transfers. Appropriated funds from federal sources are exempted from transfer. Except for funds to pay private partners as authorized in subsection B of § 2.2-2007, moneys in the Fund shall only be expended as provided by the appropriation act.

Interest earned on the Fund shall be credited to the Fund. The Fund shall be permanent and nonreverting. Any unexpended balance in the Fund at the end of the biennium shall not be transferred to the general fund of the state treasury.

§ 2.2-2024. Annual plan; allowable uses of Fund.

The CIO, with advice from the Council on Technology Services, shall prepare a plan that identifies the projects in which the Fund will participate. The plan shall be consistent with the statewide plan for information technology and shall consider the use of existing resources and long-term operation and maintenance costs. Projects having the greatest benefit to state government as a whole shall have the highest priority in the plan.

Geographic Information Network Division
(VGIN Board)

§ 2.2-2025. Definitions.

As used in this article, unless the context requires a different meaning:

"**Base map data**" means the digitized common geographic data that are used by most geographic information systems applications to reference or link attribute or other geographic data.

"**Division**" means the Geographic Information Network Division.

"**Geographic data**" means data that contain either coordinates that reference a geographic location or area or attribute data that can be related to a geographic area or location.

"**Geographic information system (GIS)**" means a computerized system that stores and links geographic data to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.

§ 2.2-2026. Geographic Information Network Division established.

There is established within VITA a Geographic Information Network Division (the Division), which shall foster the creative utilization of geographic information and oversee the development of a catalog of GIS data available in the Commonwealth. The Division shall be headed by a coordinator who shall be under the supervision of and report to the CIO. The Division shall exercise the powers and duties conferred in this article.

§ 2.2-2027. Powers and duties of the Division; Division coordinator.

A. The powers and duties of the Division shall include:

1. Requesting the services, expertise, supplies and facilities of VITA from the CIO on issues concerning the Division;
2. Accepting grants from the United States government and agencies and instrumentalities thereof and any other source. To those ends, the Division shall have the power to comply with such conditions and execute such agreements as may be necessary or desirable;
3. Fixing, altering, charging, and collecting rates, rentals, and other charges for the use or sale of products of, or services rendered by, the Division, at rates which reflect the fair market value;
4. Soliciting, receiving, and considering proposals for funding projects or initiatives from any state or federal agency, local or regional government, public institution of higher education, nonprofit organization, or private person or corporation;
5. Soliciting and accepting funds, goods and in-kind services that are part of any accepted project proposal;
6. Establishing ad hoc committees or project teams to investigate related technology or technical issues and providing results and recommendations for Division action; and
7. Establishing such bureaus, sections or units as the Division deems appropriate to carry out its powers and duties.

B. The Coordinator shall:

1. Oversee the development of and recommend to VITA the promulgation of those policies and guidelines required to support state and local government exchange, acquisition, storage, use, sharing and distribution of geographic or base map data and related technologies;
2. Foster the development of a coordinated comprehensive system for providing ready access to electronic state government geographic data products for individuals, businesses, and other entities;
3. Initiate and manage projects or conduct procurement activities relating to the development or acquisition of geographic data or statewide base map data or both;

4. Plan for and coordinate the development or procurement of priority geographic base map data;
5. Develop, maintain, and provide, in the most cost-effective manner, access to the catalog of Virginia geographic data and governmental geographic data users;
6. Provide, upon request, advice and guidance on all agreements and contracts from all branches of state government for geographic data acquisition and design and the installation and maintenance of geographic information systems;
7. Compile a data catalog consisting of descriptions of GIS coverages maintained by individual state and local government agencies;

Nothing in this article shall be construed to require that GIS data be physically delivered to the Division. All state agencies that maintain GIS databases shall report to the Division the details of the data that they develop, acquire, and maintain. Each agency shall submit quarterly reports to the Division specifying all updates to existing data as well as all data development and acquisition currently in progress. Data exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) need not be reported to the Division.

8. Identify and collect information and technical requirements to assist the Division in setting priorities for the development of state digital geographic data and base maps that meet the needs of state agencies, institutions of higher education, and local governments;
9. Provide services, geographic data products, and access to the repository at rates established by the Division; and
10. Ensure the compliance of those policies, standards, and guidelines developed by VITA required to support and govern the security of state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies.

§ 2.2-2028. GIS Fund created.

There is hereby created in the state treasury a special, nonreverting fund to be known as the GIS Fund, hereafter referred to as the Fund. The Fund shall be established on the books of the Comptroller. All moneys collected pursuant to subsection A of § 2.2-2027 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this article. Expenditures and disbursements from the Fund shall be made by the

State Treasurer on warrants issued by the Comptroller upon written request signed by the CIO.

§ 2.2-2029. Additional powers and duties of the CIO.

The CIO shall have the power and duty, on the recommendation of the Coordinator, to (i) receive and disburse funds; (ii) enter into contracts for the purpose of carrying out the provisions of this article; and (iii) rent office space and procure equipment, goods, and services that are necessary to carry out the provisions of this article.

§ 2.2-2030. Nonstock corporation to assist in the development of GIS data.

VITA is hereby authorized to establish a nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as an instrumentality to assist VITA and the Division in the development and acquisition of geographic data and statewide base map data. On or before December 1 of each year, VITA shall report on the activities of the nonstock corporation to the Governor and the General Assembly.

Division of Public Safety Communications
(Wireless E-911 Board)

§ 2.2-2031. Division of Public Safety Communications established; appointment of Virginia Public Safety Communications Coordinator; duties of Division.

A. There is established within VITA, a Division of Public Safety Communications (the Division), which shall be headed by a Virginia Public Safety Communications Coordinator, appointed by the CIO with the advice and consent of the Wireless E-911 Services Board. The Division shall consist of such personnel as the CIO deems necessary. The salaries of the employees of the Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.

B. The Division shall provide staff support to the Wireless E-911 Services Board and encourage, promote, and assist in the development and deployment of statewide enhanced emergency telecommunications systems.

Virginia Information Providers Network
(VIPNet)

§ 2.2-2032. Virginia Information Providers Network established; purpose.

There is established within VITA the Virginia Information Providers Network (VIPNet) to provide for the centralized marketing, provision, leasing, and executing of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media on terms and conditions as may be determined to be in the best interest of the Commonwealth. VIPNet may fix and collect fees and charges (i) for public information, media, and other incidental services furnished by it to any private individual or entity, notwithstanding the charges set forth in § 2.2-3704 and (ii) for such use and services VIPNet provides to any state agency or local government.

* House Bill 1926, Chapter 981, 2003 Acts of Assembly

* Senate Bill 1247, Chapter 1021, 2003 Acts of Assembly

471.25.	<i>Information Systems Management and Direction (71100)</i>	0 7,630,983
	<i>Special Project Management (71103)</i>	0 0
	<i>Public Information Access Services (71104)</i>	0 5,139,918
	<i>Geographic Information Access Services (71105)</i>	0 459,537
	<i>Other Services (71199)</i>	0 2,031,528
<i>Fund Sources:</i>	<i>General</i>	0 2,344,456
	<i>Special</i>	0 21,609
	<i>Dedicated Special Revenue</i>	0 5,264,918

Authority: Discretionary Inclusion.

A.1. All state and nonstate agencies receiving an appropriation in Items 44 through 513 of this act shall comply with the guidelines and related procedures issued by Virginia Information Technologies Agency for effective management of geographic information systems in the Commonwealth.

2. All state and nonstate agencies identified in paragraph 1 that have a geographic information system, shall assist the department by providing any requested information on the systems including current and planned expenditures and activities, and acquired resources.

3. The State Corporation Commission, Virginia Employment Commission, the Department of Game and Inland Fisheries and other nongeneral fund agencies are encouraged to use their own fund sources for the acquisition of hardware and development of data for the spatial data library in the Virginia Geographic Information Network.

B. Notwithstanding the provisions of Title 56, Chapter 15, Article 7, Code of Virginia, \$125,000 the second year from the Wireless E-911 Fund is included in the appropriation for Geographic Information Access Services. This funding is to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services.

C. Virginia Information Technologies Agency, through its Geographic Information Network Division (VGIN), or its counterpart, is acquiring high-resolution digital orthophotography of the land base of Virginia pursuant to VGIN's Virginia Base Mapping Program (VBMP) and funded principally by the Wireless E-911 Services Board. Commencement of performance in time to exploit leaf-off conditions is encouraged. VGIN's RFP #02-03, the procurement method it followed, and the contract which has been awarded as a result of the RFP are hereby specifically approved and

ratified. Without limiting the foregoing, nothing in chapter 4 of Title 54.1, as the same may be amended, shall cause the procurement to be viewed as a professional procurement or be applied to require the selected contractor to obtain a photogrammetry or land surveying license in connection with this contract. VGIN, or its counterpart, shall continue working with local governments and the E-911 Wireless Services Board to establish a sound plan for keeping the digital ortho files up-to-date and funding these maintenance costs. All digital orthophotography, Digital Terrain Models and ancillary data produced by the VBMP shall be the property of the Commonwealth of Virginia and administered by VGIN. The VGIN, or its counterpart, will be responsible for protecting the data through appropriate license agreements and establishing appropriate terms, conditions, charges and any limitations on use of the data. VGIN will license the data at no charge (other than media / transfer costs) to Virginia governmental entities or their agents. Such data shall not be subject to release by such entities under the Freedom of Information Act or similar laws. VGIN in its discretion may release certain data by posting to the Internet as long as it does not include any coordinate geometry. Distribution of the data for commercial or private use or to users outside the Commonwealth will be the sole responsibility of VGIN or its agent(s) and may require payment of a license fee to be determined by VGIN. All fees collected as a result will be added to the GIS Fund as established in the Code of Virginia §2.2-1708. Collected fees will be used for future data updates or to cover the costs of existing digital ortho acquisition.

D. Out of the amounts in Other Services, \$1,296,934 the second year from the general fund shall be used to provide effective management oversight of information technology assets in the Commonwealth.

E. Out of the amounts in Special Project Management, \$13,985,000 the second year from the general fund shall be used to implement the recommendations of the Information Technology Transformation Implementation Plan.

471.30.	Emergency Communication Systems Management and Direction (71200)	0	26,753,942
	Emergency Communication Systems Development Services (71201)	0	397,040
	Financial Assistance to Localities for Enhanced Emergency Communications (71202)	0	15,294,000
	Financial Assistance to Service Providers for Enhanced Emergency Communication Services (71203)	0	11,062,902
Fund	Dedicated Special Revenue	0	26,753,942
Sources:		0	26,753,942

Authority: Discretionary Inclusion.

Virginia Information Technologies Agency shall provide a status report on the utilization and status of monies held and anticipated in the E-911 Fund by November 1, 2003 to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees.

EXECUTIVE ORDER 50 (2003)

Signed by Governor Mark R. Warner on June 5, 2003

Establishing Reporting Procedure to the General Assembly and the Public Concerning the Reform of Information Technology in Virginia State Government

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and consistent with Chapters 981 and 1021 of the 2003 Acts of Assembly, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish certain procedures and dates for providing timely information to members of the General Assembly and the public about the reform of information technology in Virginia state government.

IMPORTANCE OF EXECUTIVE/LEGISLATIVE COOPERATION

Through the enactment of Chapters 981 (House Bill 1926) and 1021 (Senate Bill 1247) of the 2003 Acts of Assembly, Virginia has made significant strides in the reform of the management of information technology (IT) in state government, including the creation of the Virginia Information Technologies Agency (VITA). VITA will be responsible for managing and delivering information technology solutions and services across state government. The General Assembly has been a key partner in these efforts to provide more efficient, cost-effective technology services, and infrastructure.

Successfully implementing the legislation will require extensive cooperation between the executive and legislative branches of state government. Conveying timely information to the General Assembly on the implementation of this legislation will assist with the necessary executive/legislative branch cooperation in implementing the IT reform legislation.

REPORTING REQUIREMENTS

In order to provide full, accurate, and timely information about the progress of information technology reform to the General Assembly and the public, I hereby direct that the Secretary of Technology, or the Chief Information Officer (CIO) for the Commonwealth, when in place, shall report to the General Assembly on the reform of information technology in Virginia state government as follows:

1. Prototype Memorandum of Agreement. By June 15, 2003, the Secretary shall publish a draft prototype of the Memorandum of Agreement (MOA) that will be used as framework for establishing individualized MOAs between each state agency and VITA for review by the General Assembly and the public. By August 1, 2003, the Secretary shall provide the General Assembly with the final version

of the prototype MOA as part of the Master Operating Plan detailed in section 2, below.

2. Master Operating Plan. By August 1, 2003, the Secretary or CIO shall provide the General Assembly with a draft initial master operating plan which details how VITA will function, the relationship between VITA and other state agencies, and a timeline for transitioning to a fully functioning VITA. The initial Master Operating Plan shall include:

- An outline of the VITA organization and its key positions, including an organization chart; a description of the responsibilities and functions of each unit; and the expected budget for each unit.
- A description of the process for integrating the consolidated IT functions and activities into VITA, including integration of the Departments of Information Technology and Technology Planning.
- The proposed structure and process for negotiating the memoranda of agreement with VITA's customer agencies.
- A complete schedule of rates and charges to be used in each of the agency's internal service funds, estimates of the revenue anticipated for these charges, and a listing and description of any other sources of revenue.
- A description of the standard process to be used to review and approve major IT projects.
- An outline of the training to be provided to employees as they are transitioned from agencies to VITA.
- A timeline for the transition of employees, consolidation of equipment, and elimination of positions or operating sites in agencies or at VITA.

By August 30, 2003, the Secretary or CIO shall provide the General Assembly with the final version of the initial Master Operating Plan.

3. Memorandum of Agreement. The Secretary or CIO shall provide the General Assembly with copies of each MOA executed between a state agency and VITA as detailed below and prior to implementation of the MOA. Each MOA shall be the result of negotiation between the agency and VITA with appropriate mechanisms for dispute resolution to ensure the agency can pursue its mission and meet its statutory responsibilities while accomplishing the requirements of IT reform in state government. Each MOA shall describe the equipment and positions to be transferred from the agency to VITA.

- By December 1, 2003, or within five days of final agreement if final agreement is reached prior to December 1, 2003, the Secretary or CIO shall provide the General Assembly with copies of the finalized MOA for each agency scheduled to have its IT services transitioned to VITA by January 1, 2004.

- By June 1, 2004, or within five days of final agreement if final agreement is reached prior to June 1, 2004, the Secretary or CIO shall provide the General Assembly with copies of the finalized MOA for each agency scheduled to have its IT services transitioned to VITA by July 1, 2004.
- By December 1, 2004, or within five days of final agreement if final agreement is reached prior to December 1, 2004, the Secretary or CIO shall provide the General Assembly with copies of the finalized MOA for each agency scheduled to have its IT services transitioned to VITA by January 1, 2005.

4. Quarterly Reports. Starting July 1, 2003, the Secretary or CIO shall provide the General Assembly with quarterly status reports on the implementation of IT reform. The final version of the initial Master Operating Plan, to be provided by August 30, 2003, shall constitute delivery of the quarterly report for the period of July 1 to September 30, 2003.

For purposes of this executive order, all reports shall be deemed to have been provided to the General Assembly if they are sent to the chairmen of the House Appropriations, Senate Finance, House Science and Technology, and Senate General Laws committees. Once a CIO has been appointed, the CIO shall be responsible for submitting all reports required under this executive order.

PUBLIC ACCESS

The Secretary shall make all reports required pursuant to this executive order accessible to the public by posting all reports on the web sites for the Secretary of Technology and VITA at the same time such reports are transmitted to the General Assembly.

EFFECTIVE DATE OF THE EXECUTIVE ORDER

This Executive Order shall be effective immediately upon its signing and shall remain in full force and effect until July 1, 2005, unless amended or rescinded by a future executive order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 5th day of June 2003.

/s/ Mark Warner, Governor

Attest: /s/ Secretary of the Commonwealth